

UNITED STATES DISTRICT COURT  
BOSTON, MASSACHUSETTS

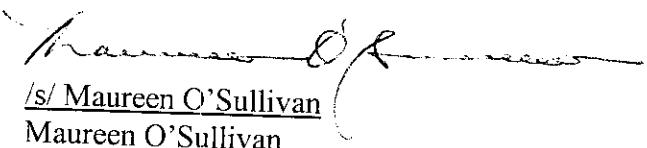
TIAX, LLC )  
ANINDYA BORAL, and )  
JAYATI BORAL )  
Plaintiffs, )  
 )  
v. )  
 )  
TOM RIDGE, as Secretary of Department ) MANDAMUS ACTION  
of Homeland Security; ) FILE NO. 04-12530 NG  
EDUARDO AGUIRRE, JR. as Director )  
of United States Citizenship and )  
Immigration Services (US CIS); )  
SANDRA T. BUSHEY, Acting Director )  
of Vermont Service Center of USCIS; )  
DEPARTMENT OF HOMELAND )  
SECURITY; and ALL UNKNOWN )  
GOVERNMENT AGENCIES INVOLVED )  
IN SECURITY CHECKS FOR H-1B )  
APPLICANTS )  
Defendants )

MOTION TO DISMISS

Now come the Plaintiffs through counsel to request that this case be dismissed. Plaintiffs filed this mandamus action to compel the adjudication of the pending H-1B petition. Last week, the court scheduled a hearing on this matter for December 27, 2004. Defendants have since approved the H-1B petition on December 23, 2004.

WHEREFORE: the mandamus is no longer necessary. Thank you.

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of December, 2004.

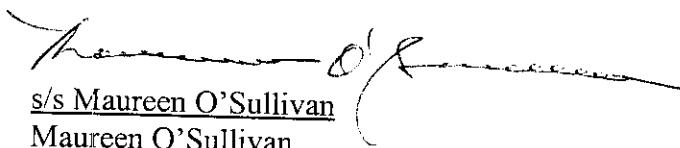
  
/s/ Maureen O'Sullivan  
Maureen O'Sullivan  
Counsel for Plaintiffs  
Kaplan O' Sullivan & Friedman LLP  
10 Winthrop Square 3<sup>rd</sup> Fl  
Boston, MA 02110, (617) 482-4500

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record in the foregoing matter with one copy of the foregoing Motion to Dismiss by postage prepaid and electronic filing a copy of same as follows:

Damian M. Wilmot  
Assistant U.S. Attorney  
John J. Moakley U.S. Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02110  
damian.wilmot@usdoj.gov

This 27th day of December, 2004.

  
s/s Maureen O'Sullivan  
Maureen O'Sullivan  
Counsel for Plaintiffs  
Kaplan O' Sullivan & Friedman LLP  
10 Winthrop Square 3<sup>rd</sup> Fl  
Boston, MA 02110  
(617) 482-4500

12/23/2004 12:19 FAX

U.S. Department of Justice  
Immigration and Naturalization Service

## Notice of Action

RECEIPT NUMBER EAC-04-107-51197		CASE FILE # 1129 PETITION FOR A NONIMMIGRANT WORKER	
RECEIPT DATE March 2, 2004	PRIORITY DATE	PETITIONER TIAX LLC	EMPLOYER BORAL, ANINDYA A.
NOTICE DATE December 23, 2004	PAGE 1 of 1	Notice Type: Approval Notice Class: H1B Valid from 04/06/2004 to 01/04/2006 Consulate:	
LAURIE B. RICCIO LAW OFFICES OF RICHARD M COSTA 16 TREMONT STREET SUITE 601 BOSTON MA 02108			

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the INS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, Arrival-Departure Record. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A foreign granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for entry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, Application for Action on an Approved Application for Petition, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WILDERN STREET  
SAINT ALBANS VT 05479-0001  
Customer Service Telephone: (800) 375-5283  
Form 1797A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM 144 PRINTED BELOW, AND STAPLE TO ORIGINAL FAX IF AVAILABLE

Detach This Half for Personal Records

Receipt # EAC-04-107-51197  
I-94# 090896951 10NAME BORAL, ANINDYA A.  
CLASS H1B

VALID FROM 04/06/2004 UNTIL 01/04/2006

PETITIONER: TIAX LLC  
15 ACORN PARK  
CAMBRIDGE MA 02140

090896951 10

Receipt Number EAC-04-107-51197  
Immigration and  
Naturalization Service

I-94

Departure Record

Petitioner: TIAX LLC

14. Family Name BORAL
15. First (Given) Name ANINDYA
17. Country of Citizenship INDIA

16. Date of Birth  
12/29/1974

U.S. Department of Justice  
Immigration and Naturalization Service

## Notice of Action

RECEIPT NUMBER EAC-04-107-51258		CASE NUMBER 1539
RECEIPT DATE March 2, 2004	PRIOORITY DATE	APPLICATION TO EXTEND/CHANGE NONIMMIGRANT STATUS APPLICANT BORAL, JAYATI
NOTICE DATE December 23, 2004	PAGE 1 of 1	BENEFICIARY BORAL, JAYATI
LAURIE B. RICCIO LAW OFFICES OF RICHARD M COSTA 18 TREMONT STREET SUITE 601 BOSTON MA 02108		Notice Type: Approval Notice Class: H4 Valid from 04/06/2004 to 01/04/2006

The above application for extension of stay is approved. The temporary stay of the named applicant(s) is authorized to the date shown above.

The nonimmigrant status of the applicant(s) is based on the separate nonimmigrant status held by a principal alien for authorized employment in the United States.

The applicant must keep the lower portion with his or her previous Form I-94, Departure Record. It must be presented when requested by INS. The person must turn in his or her I-94 when leaving the United States.

Please read the back of this form carefully for more information.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.  
IMMIGRATION & NATURALIZATION SERVICE  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
SAINT ALBANS VT 05479-0001  
Customer Service Telephone: (800) 375-5283  
Form I-797A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # EAC-04-107-51258  
I-94# 090277862 10NAME BORAL, JAYATI  
CLASS H4

VALID FROM 04/06/2004 UNTIL 01/04/2006

PETITIONER: BORAL, JAYATI  
25 LINDEN AVENUE 12  
SOMERVILLE MA 02143

090277862 10

Receipt Number EAC-04-107-51258  
Immigration and  
Naturalization Service

I-94

Departure Record

Petitioner:

14. Family Name BORAL
15. First (Given) Name JAYATI
17. Country of Citizenship INDIA

14. Date of Birth  
11/28/1979